

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MACARTHUR WHEELER,)
Petitioner)
)
vs.) Civil Action No. 07-616
) Judge Nora Barry Fischer/
HARRY E. WILSON,) Magistrate Judge Amy Reynolds Hay
Respondent)

ORDER


AND NOW, this 2nd day of July, 2008, after the Petitioner,

Macarthur Wheeler, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until July 17, 2008 to file written objections thereto, and petitioner's copy of the report and recommendation having been returned by the United States Postal Service indicating that Petitioner has moved and left no address, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Habeas Corpus Petition is dismissed.

IT IS FURTHER ORDERED that a Certificate of Appealability is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



NORA BARRY FISCHER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Macarthur Wheeler
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